

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RIGOBERTO ESPINOZA-RAYA,

Defendant.

8:09CR265

ORDER

This matter is before the court on defendant's MOTION TO CONTINUE PRETRIAL MOTION DEADLINE [23]. Upon review of the file, the court finds that an approximate 7-day extension should be granted. Pretrial Motions shall be filed by September 8, 2009.

IT IS ORDERED:

1. Defendant's MOTION TO CONTINUE PRETRIAL MOTION DEADLINE [23] is granted. Pretrial motions shall be filed on or before **September 8, 2009**.
2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.
3. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **the time between August 31, 2009 and September 8, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel required additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 31st day of August, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge